


COUNTY OF YORK

MEMORANDUM

DATE: January 3, 2003 (BOS Mtg. 1/21/03)
TO: York County Board of Supervisors
FROM: James O. McReynolds, County Administrator 
SUBJECT: Application No. UP-612-03, Carl & Karen Berquist

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling. The accessory apartment is to be located within a proposed two-story accessory building to be constructed on property located at 469 Catesby Lane and further identified as Assessor's Parcel No. 10C-4-D-95.

DESCRIPTION

- Property Owners: Carl Richard & Karen K. Berquist
- Location: 469 Catesby Lane
- Area: 1.14 acres
- Frontage: Approximately 74 feet on Catesby Lane (Route 608)
- Utilities: Public water and sewer
- Topography: Gently rolling
- 2015 Land Use Map Designation: High-Density Residential
- Zoning Classification: R13 - High-Density Residential
- Existing Development: Single family detached home with storage shed
- Surrounding Development:

North: Single family detached residential
East: Single family detached residential
South: Single family detached residential
West: City of Williamsburg; Single family detached residential

Proposed Development: Detached accessory apartment in conjunction with a single-family detached dwelling.

CONSIDERATIONS/CONCLUSIONS

1. The Zoning Ordinance requires a Special Use Permit for accessory apartments in the R13 district, regardless of the floor area of the apartment or the principal dwelling. The Comprehensive Plan designates this area for high-density single-family residential uses.
2. The applicant wishes to construct a two-floor, 900-square foot detached accessory building in the rear yard for use as a workshop, storage area and accessory apartment for visiting family members and guests. The proposed apartment would include a living area, bedroom, kitchen area, bathroom and a 300-square foot loft on the second floor (see attached sketch plans). According to the applicant's current building plans, the total area of the accessory apartment will not exceed 900 square feet, which represents approximately 72% of the size of the principal dwelling (48% excluding the loft). The principal dwelling is relatively small in size, approximately 1,243 square feet in floor area, and is located on a parcel that is over three times the minimum lot size for the R13 district (13,500 square feet).
3. Performance standards for accessory apartments are set forth in Section 24.1-407 of the Zoning Ordinance. These limit the maximum number of accessory apartments to one per single-family detached dwelling, require adequate provisions for off-street parking, require occupancy only by family members or guests of the occupant of the principal dwelling, and prohibit the apartment from being rented separate from the principal dwelling. The applicant's narrative, submitted with their application, reiterates that the apartment will be for the use of family members or guests only (copy attached). These standards have been included as conditions in the approving resolution.
4. The proposed structure will be located in an area of the parcel that is surrounded by woods. The new structure will be located approximately 75 feet from the residence on the abutting parcel to the north and 155 feet from the dwelling on the abutting parcel to the south.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on December 11, 2002 and, subsequent to conducting a public hearing, at which no one spoke, voted 5:0 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that the subject parcel can accommodate the proposed accessory apartment with no adverse impacts on adjacent properties or County infrastructure. Therefore, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R03-5.

Attachments:

- Excerpts from Planning Commission minutes, December 11, 2002
- Zoning Map
- Site Map
- Floor plan & elevations of proposed building
- Applicant's narrative
- Proposed Resolution No. R03-5

Carter/3337

Excerpts

Approved Planning Commission Minutes

December 11, 2002

Application No. UP-612-03, Carl Richard & Karen K. Berquist: Request for a Special Use Permit, pursuant to Section 24.1-407 of the York County Zoning Ordinance, to authorize an accessory apartment containing in excess of 25% of the total floor area of the associated single family detached dwelling. The property is located at 469 Catesby Lane, and is further identified as Assessor's Parcel No. 10C-4-D-95. The property is located on the west side of Catesby Lane (Route 608), approximately 1,100 feet north of its intersection with Burnham Road (Route 609). The property is zoned R13 (High Density Residential) and is designated for High Density Residential development in the Comprehensive Plan.

Ms. Amy Parker presented a summary of the staff memorandum to the Commission dated December 4, 2002, in which the staff recommended approval.

She added that the City of Williamsburg had not commented on the courtesy copy of the application that was sent by staff. Responding to Ms. White, Ms. Parker also noted that no neighbors had commented to staff about this application.

Chair Hendricks opened the public hearing. He closed the public hearing when no one appeared to speak.

Ms. White questioned if there was sufficient parking on the property and Ms. Parker responded affirmatively.

PC02-45

On motion of Ms. White, which carried 5:0 (Mr. Barba absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 469 CATESBY LANE

WHEREAS, Carl Richard and Karen K. Berquist have submitted Application No. UP-612-03 to request a Special Use Permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 469 Catesby Lane and further identified as Assessor's Parcel No. 104C-4-D-95; and

WHEREAS, said application has been referred to the York County Planning Commission; in accordance with applicable procedure and;

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

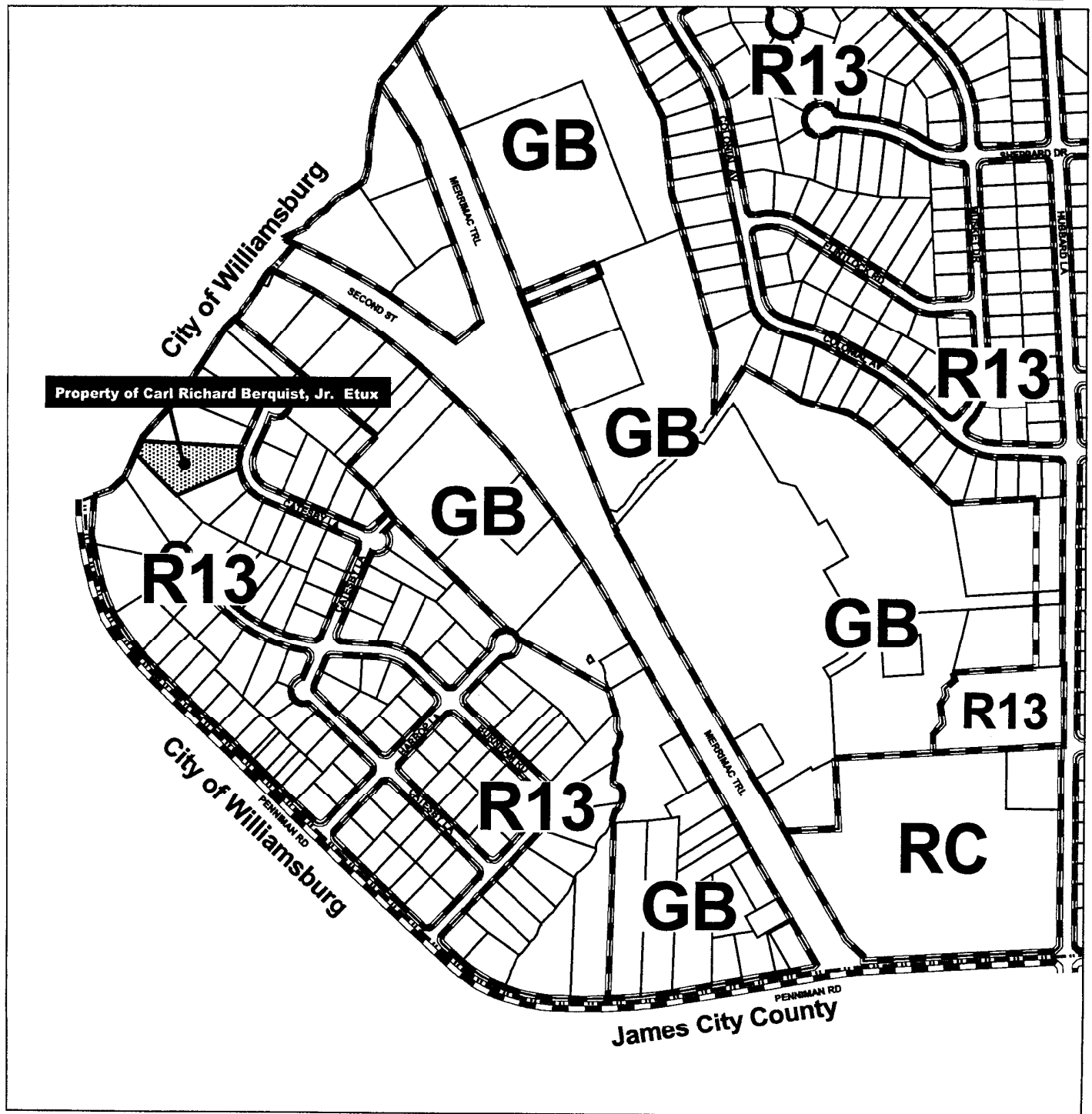
WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 11th day of December, 2002, that it does hereby transmit Application No. UP-612-03 to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit to authorize a detached accessory apartment in conjunction with a single family detached dwelling on property located at 469 Catesby Lane, subject to the following conditions:

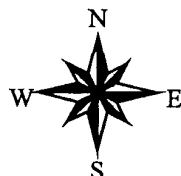
1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 469 Catesby Lane and further identified as Assessor's Parcel No. 104C-4-D-95.
2. Building plans for the accessory apartment shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities related to the accessory apartment use on the site. Said building plans shall be in conformance with the elevations and location plat submitted by the Applicants on October 29, 2002 and floor plan submitted on November 25, 2002.
3. A Certificate of Occupancy for the apartment must be issued prior to establishing residence in the building.
4. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
5. The accessory apartment unit shall not contain in excess of 900 square feet.
6. The accessory apartment unit shall contain no more than one (1) bedroom.
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling. The accessory apartment shall not be served by a separate electrical service meter.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the

expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

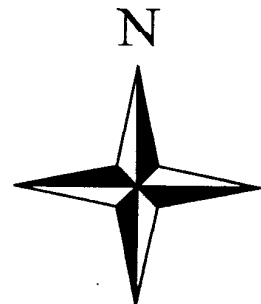
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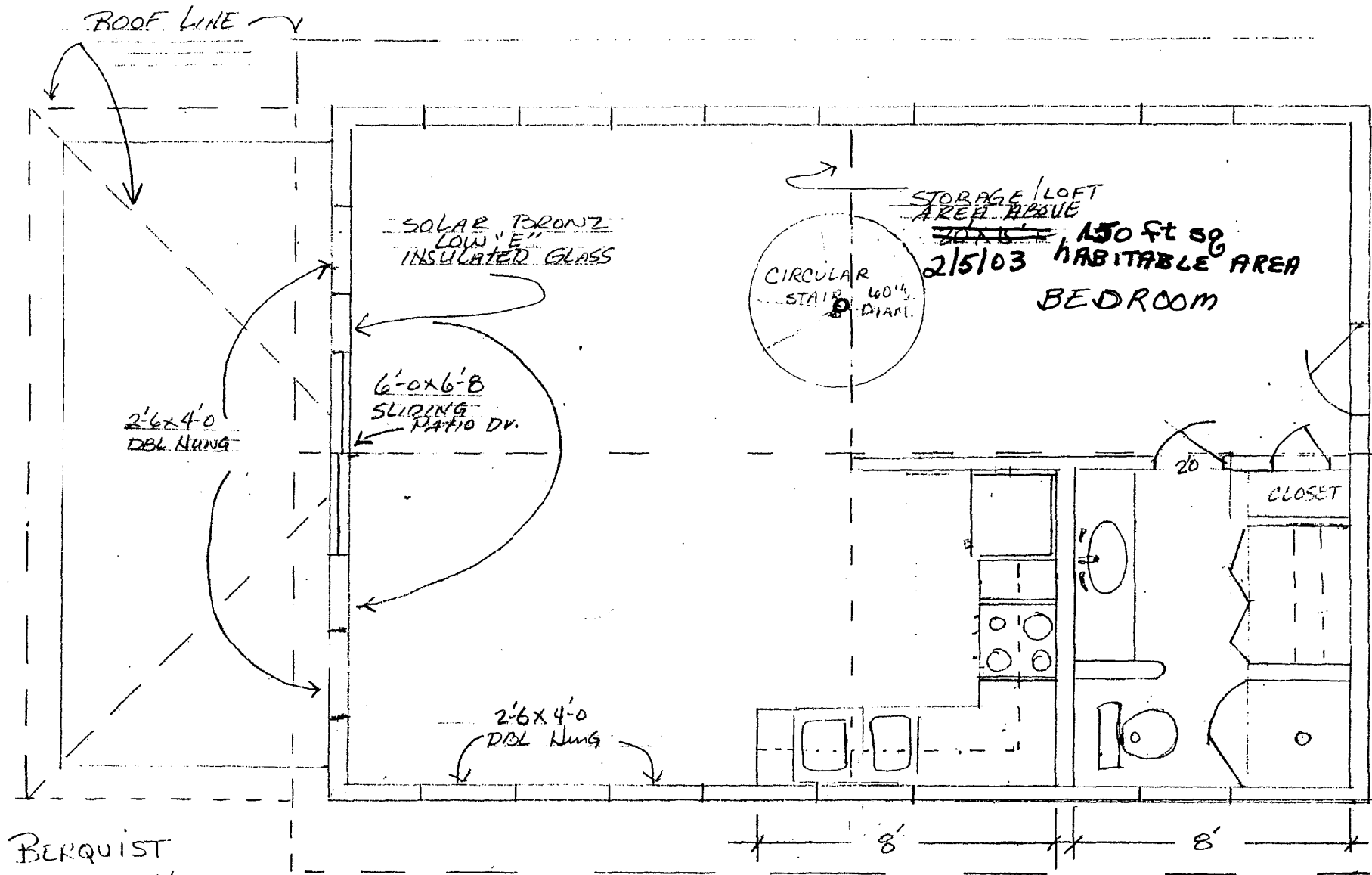
APPLICANT**Carl Richard & Karen K. Berquist***Authorize an accessory apartment
within a single-story freestanding building
in the rear yard of the residential property.***ZONING MAP****APPLICATION NUMBER: UP-612-02**

525 0 525 Feet

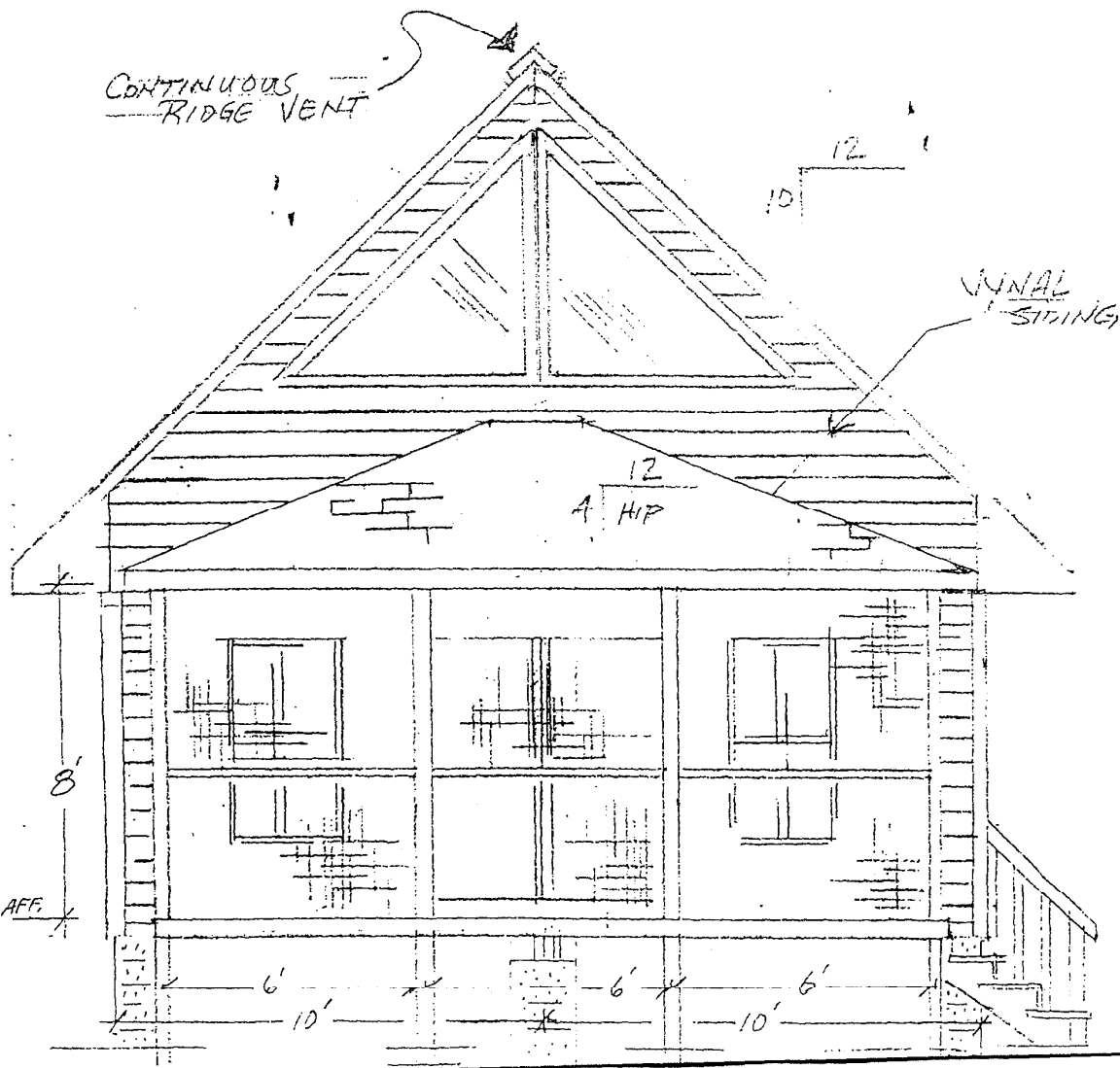
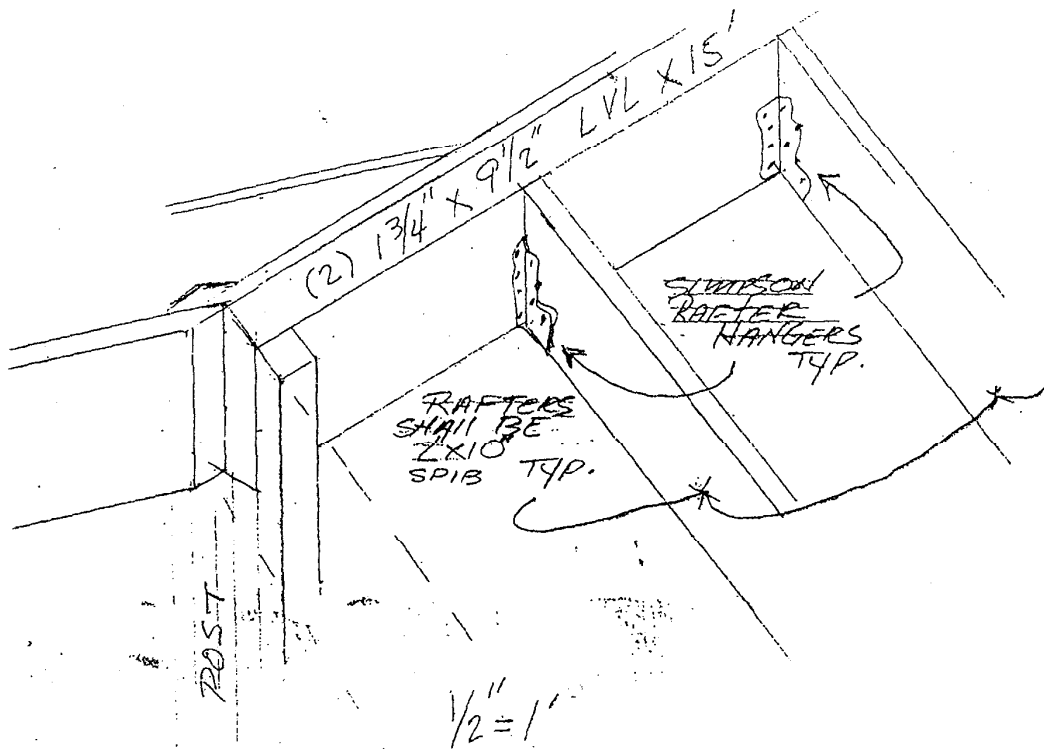
**LIBRARY TILE NUMBER: Lr006****SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE**

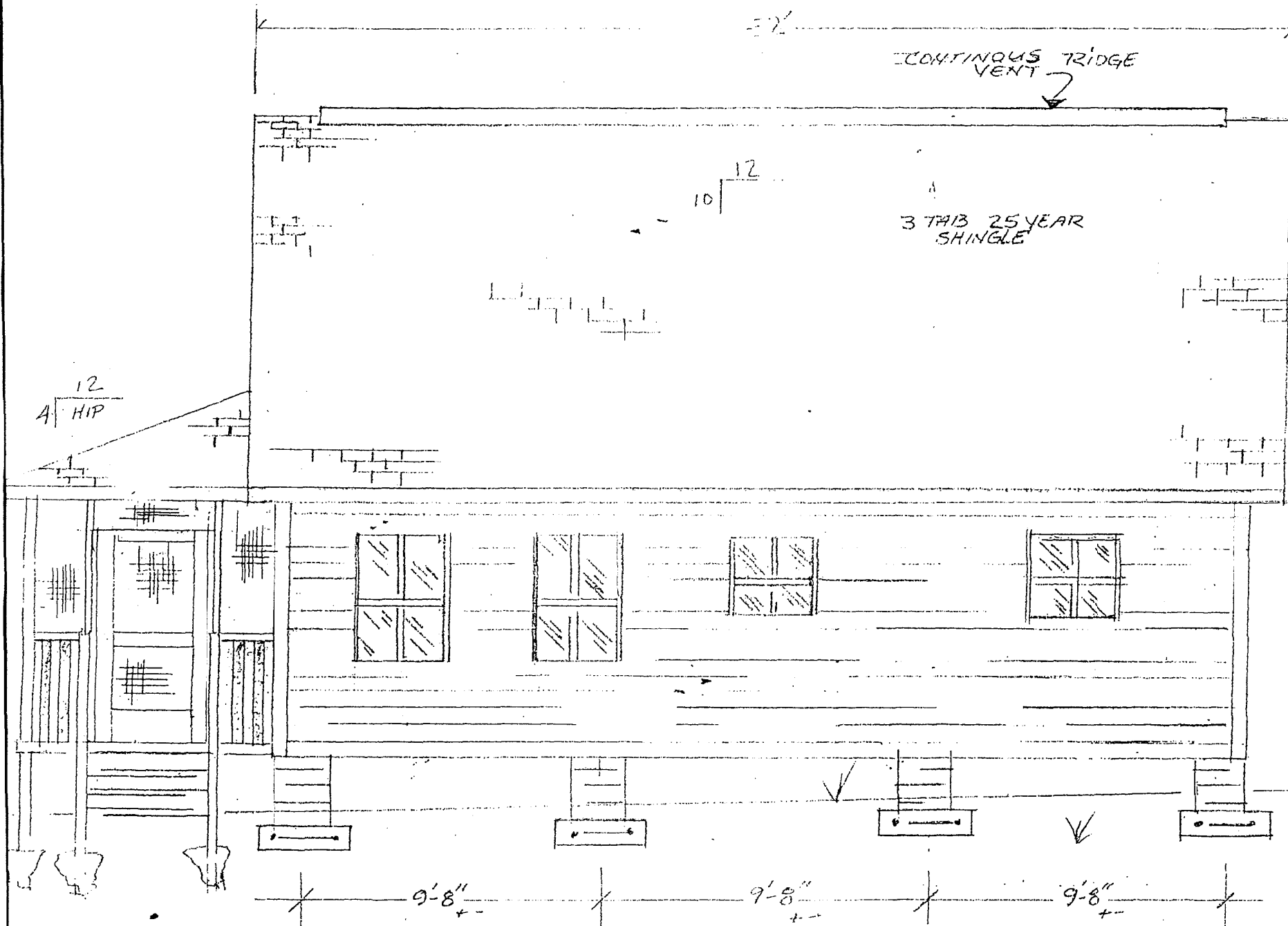
UP-612-03





FLOOR & ROOF PLAN
1/4" = 1'





BURKWIEST

R. SIDE ELEVATION

1/4" = 1'

To: York County Planning Commission Members
York County Board of Supervisors
From: Carl Richard Berquist and Karen Berquist
469 Catesby Lane
Date: October 28, 2002
Subj: Request for Special Use Permit

We request a special use permit in order to build a detached unit in excess of 25% (310 sq.ft.) of the existing floor plan of our home. This construction will be located behind our home, on the lower portion of our lot. The proposed unit (600 sq.ft.) will provide space for projects, storage, and private space for visiting family members or guests. Our home is a small building (1243 sq. ft) on a large lot (1.14 acres). For many years we have considered designs for an addition to the principal, but none of them preserved the integrity of the house and landscaping while providing as much useable space as this plan for a detached unit.

We have presented our plan to our immediate neighbors and include their signatures approving of the construction, as an attachment. The unit will conform to all building codes and setback requirements and comply with Sec. 24.1-407, *Standards for accessory apartments in conjunction with single-family detached dwellings*. The addition is for the use of our family members or guests and will not create additional traffic, noise, or light impact for our neighbors. Water, sewer, and electricity will be attached to the principal residence without separate metering, just as it would be in an attached addition.

We have carefully designed and sited this addition to conform with the landscaping of our property and indeed, enhance its use. With the approval of this request, we will begin construction on this non-commercial, residential addition.

We have been informed of our neighbors plans to build a non-commercial, detached unit on their property and have no objection to the project:

Lot 97 465 Catesby Lane

Walter D. Gibson

Walter D. Gibson

Lot 96 467 Catesby Lane

Irene Robertson

Irene Robertson

Lot 94 471 Catesby Lane

Ruth E. Williams

Ruth E. Williams

Lot 93 473 Catesby Lane

Kenneth M. Derenthal

Kenneth M. Derenthal Jane Derenthal

Lot 79 476 Burnham Lane

Richard A. Whaley

Richard A. Whaley

All lot numbers are for Middletowne Farms, Section D